

REMARKS

The Office Action mailed September 20, 2006 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Pursuant to Judicially-Created Double Patenting

Claims 1-73 were rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-117 of copending Application no. 10/813,907. Claims 1-73 were rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-117 of copending Application no. 10/814,868. Submitted herewith are duly-executed Terminal Disclaimers overcoming said double patenting rejections. Withdrawal of same is respectfully requested.

Rejection(s) Under 35 U.S.C. § 102

Claims 1-2, 4-6, 8, 12, 14-17, 19-21, 23, 29, 31-38, 41-43, 45, 53-54, 56-57, 59-60, 62-64 and 67 were rejected under 35 U.S.C. § 102(b) as anticipated by Shukuri (U.S. pat. no. 6,529,407).

Claim 1 is directed to an electronic fuse that is used to configure a circuit to one of two possible configurations. Shukuri by comparison is directed to a latch device for writing in and reading out addresses of particular circuits (and specifically, circuits that “need-to-relieved”) of a device. In other words, Shukuri is simply a memory for address storage. The storage component in Shukuri is the non-volatile memory circuit 101 of FIG. 4. The output of the non-volatile memory circuit 101 is written into a static data latch (buffer) 104. The Office Action assigns the functions of these components to the functions of the fuse components of Claim 1. In particular, the Office Action equates the two different possible circuit configurations set by the fuse with the different values stored in static data latch 104. Such characterization is inaccurate and inconsistent with the conventional meanings of “fuse” and “configuration” as understood by the ordinarily skilled artisan. As for example paragraph [0003] of the specification explains, “Electronic fuses are commonly used in integrated circuits to define or alter the configuration or operation of the integrated circuits following fabrication.” Nothing in Shukuri’s disclosure fits

this definition of either fuse or configuration. Moreover, Claim 1 requires that the fuse be activated by a power-up or reset signal, consistent with conventional fuse operation. No such signals are provided in Shukuri. The allegation in the Office Action that readout control circuit 103 provides this missing feature is simply an extension of the mischaracterization of Shukuri's disclosure. Shukuri does not disclose a fuse but a latch device, and therefore would not provide the latch device a power-up or reset signal, as these terms are understood to mean in the art. And in fact, the signal from readout control circuit 103 is just that—a readout signal consistent with well-known memory device operation.

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection of Claim 1, and of Claims 2, 4-4, 8, 12, 14-17, 19-21, 23, 29, 31-38, 41-43, 45, 53-54, 56-57, 59-60, 62-64, and 67 containing similar features to those discussed above, based on Shukuri is respectfully urged.

Rejection(s) Under 35 U.S.C. § 103 (a)

Claims 3, 13, 18, 27, 39-40, 49-50, 58, 61, 71 and 73 were rejected under 35 U.S.C. § 103(a) as unpatentable over Shukuri (U.S. pat. no. 6,529,407) in view of Goetting et al. (U.S. pat. no. 5,912,937). Claims 7, 9-11, 22, 24-26, 44, 46-48, 65-66 and 68-70 were rejected under 35 U.S.C. § 103(a) as unpatentable over Shukuri (U.S. pat. no. 6,529,407) in view of Madurawe (U.S. pub. no. 2005/0149896). Claims 28 and 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Shukuri (U.S. pat. no. 5,912,937) in view of Pascucci et al. (U.S. pat. no. 5,659,498). Claims 51-53 and 55 were rejected under 35 U.S.C. § 103(a) as unpatentable over Shukuri (U.S. pat. no. 6,529,407) in view of Hartgring et al. (U.S. pat. no. 5,086,331). As explained above, Shukuri fails to disclose or suggest the features discussed above from Claim 1. These features also appear in the claims rejected under 35 U.S.C. § 103(a), and their absence from Shukuri is not remedied by any of the other applied references.

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Conclusion


In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
THELEN REID BROWN RAYSMAN & STEINER LLP

Dated: 12/20/2006



Khaled Shami
Reg. No. 38,745

THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 282-1855
Fax. (408) 287-8040